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NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

January 8, 2020


Town Clerk

Chairman Pane called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:10 p.m. in the Conference Room L101 in the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Chairman Domenic Pane
Commissioner Anthony Claffey
Commissioner Michael Fox
Commissioner Garrett Havens
Commissioner David Lenares
Commissioner Stanley Sobieski
Commissioner Stephen Woods
Commissioner Braverman-A
Commissioner Thomas Gill-A
Commissioner Bryan Haggerty-A

Commissioners Absent

Staff Present

Craig Minor, Town Planner
Andrew Armstrong, Asst. Town Planner/ZEO

III. APPROVAL OF AGENDA

Craig Minor: No changes

IV. PUBLIC PARTICIPATION (For items not listed on the agenda, speakers limited to two minutes.)

Rose Lyons, 46 Elton Drive: I don't know if this is going to be on the agenda or not, I spoke with someone at Victory Gardens. They have no further information regarding the expansion and I was just wondering if the town had been contacted?

Craig Minor: Not lately, their leadership had a meeting with the Town Manager and the Chief of Police a month or two ago, but nothing since then.

Rose Lyons: Okay, and will the moratorium on housing be discussed tonight at all?

Craig Minor: I'd be happy to discuss it with the Commission, but it's really not a TPZ function, but if the Commission wants to talk about it.

Chairman Pane: Do you have questions on it?

Rose Lyons: No, I saw that it was published in the paper and wondered if there was anything going on?

Craig Minor: My understanding is that there will be a petition filed which would then lead to a public hearing on it.

Rose Lyons: How many days from the date of publication?

Craig Minor: Twenty-five days from the date of publication. It was published back in late December.

Rose Lyons: I was looking through the ZEO's report and I noticed a lot of parking on the property grass is not allowed in town? Is that what I'm understanding?

Andrew Armstrong: Yes Ms. Lyons, that is not allowed by our zoning regulations. It's the section about parking on the unpaved portion of the property. It's a regulation that we have used for years historically.

Rose Lyons: And I haven't heard anything lately about the situation over on Day Street. I'm assuming that since I haven't heard anything there is no problem, or maybe they are in court....

Chairman Pane: What situation?

Rose Lyons: With the auto, in the old Cashway area.

Chairman Pane: I don't know of any problems over there right now.

Rose Lyons: Okay, if everything is calm, but as I go down Maple Hill Avenue and I think it is the owner of that property that owns property on Maple Hill Avenue, I go that way to church on Saturday and I notice that there seem to be more and more cars in front of that property, and it doesn't seem to be paved so I didn't see it on the list. Has it been on the list, has it been resolved, or, I'm just curious.

Andrew Armstrong: At one time it was compliant, but I'd be happy to look at that again if you like.

Rose Lyons: I was looking to see if it was on the list and if you were here tonight, as I was sitting here I thought of it.

Chairman Pane: Thank you Rose. Anybody else for the public like to speak?

We have an executive session on the Colleen Bielitz vs Wex-Tuck Realty which is the Firestone case. We will go into Executive Session for a meeting with the Town Attorney.

V. EXECUTIVE SESSION

Commissioner Sobieski moved to go into Executive Session. The motion was seconded by Commissioner Havens. The vote was unanimous and the Commission entered into executive session at 7:10 p.m. Present for the session were: Attorney Ben Ancona, Town Planner Craig Minor, Asst. Town Planner Andrew Armstrong, Chairman Domenic Pane and Commissioners Anthony Claffey, Michael Fox, Garrett Havens, David Lenares, Stanley Sobieski, Stephen Woods, Hyman Braverman, Thomas Gill and Bryan Haggerty.

The Commission returned to the regular meeting at 7:25 on the motion of Commissioner Sobieski and seconded by Commissioner Michael Fox.

VI. ZONING ENFORCEMENT OFFICER REPORT

Andrew Armstrong: I have one new application for a temporary sign. A new beauty salon on Market Square requested a banner to go up tomorrow and remain for the allowed 25 days. If there are any questions on my report of December 2019 I'd be happy to answer them.

Commissioner Sobieski: Andrew, how many times have you had to go to Galaxy Carpet?

Andrew Armstrong: I would guess six or so, but they have a new manager there who seems to be more responsive to the conditions, so I'm hoping that he takes action. When I checked back and sign wasn't being used any longer.

(Tape failure)

VII. REMARKS BY COMMISSIONERS

None

VIII. APPROVAL OF MINUTES.

- A. Special Meeting of December 11, 2019
- B. Regular Meeting of December 11, 2019

Commissioner Fox moved to approve the minutes of the December 11, 2019 special meeting and the December 11, 2019 regular meeting. The motion was seconded by Commissioner Havens. The vote was unanimously in favor of the motion, with seven voting YEA.

IX. NEW BUSINESS

- A. Petition 41-19: Residential subdivision at 55 East Robbins Avenue. Domelas Home Improvement LLC, owner/applicant; Helton Domelas, 55 Wood Pond Road, Farmington CT, contact.

Town Planner Craig Minor reported that he had heard from the applicants of Petition 41-19 who had granted the Commission additional time to discuss the petition. The petition will be on the agenda for the next meeting.

- B. Petition 01-20: Residential subdivision at 890 Willard Avenue. Cross Construction LLC, owner/applicant; George Flores, 151 Maple Hill Avenue, Newington CT, contact.

Alan Bongiovanni presented the site plan application for 890 Willard Avenue for the creation of four lots from the existing property. There is an existing house on the property which would remain. Mr. Bongiovanni disagreed with the Town Planner about the requirement for LID techniques since he felt that the requirement did not apply to owners of the property and only to developers of a property. He indicated that the requirement for the LID would impose a hardship on the developer because of the type of soil on the property.

Alan Bongiovanni: This is a very simple application dividing about 40,000 so odd square feet into four R-12 lots. Each lot has it's own frontage on an existing street and they all have a minimum 12,000 square feet and public sewer and water is available. One of the requirements of the subdivision regulations is that we provide proof from the MDC. The MDC told us that this coming Monday we would have a letter so I'm sure you will continue this until the next meeting and we will have that to you before the next meeting. With that, if you have any questions, I would be happy to answer them.

(Tape resumption)

Chairman Pane: On the LID, I tend to agree with you, it can be a very big burden on some of these small lots when there is just a two, three, four lot subdivision. I think maybe as a Commission we should give directions to the Planner as to when the LID should take place and when it shouldn't and I think on these small subdivisions it shouldn't take place, but when there is a brand new road, infrastructure going in for a twenty lot subdivision, or something like that, then that is when we would look at the LID regulations. I'll open it up to Commissioner's comments.

Commissioner Sobieski: If I remember correctly I believe that this Commission agreed that on residential lots we were not going to apply the LID. I could be wrong, but I seem to remember that, and I remember the fact that it was brought up, the case in point was a garage for instance, and it was over 700 or 500 square feet, whatever it was, and they hadn't had an LID survey done which I think was about \$4,000 or \$5000 more which is a huge encumbrance on the owner. I seem to remember that. I could be wrong, but that's what I remember.

Chairman Pane: It's not the Planner's fault, he's just following certain regulations and I know that it is a little confusing on that because the subdivision says one thing and then yet we did say on single residential, so this is why I'm looking to the Commission to give the Planner some direction so, and I think that on these one, two, three four lot subdivisions that there is no major road going in, with drainage and improvements, then we shouldn't look at the LID for those small subdivisions. I think Mr. Bongiovanni would agree that it should be looked at when there is a brand new structure, a brand new road going in.

Alan Bongiovanni: The road structure itself creates a lot of impervious area, increases the run off, heat and everything else and I think that would be appropriate. That is why I would leave it in the subdivision regulations. When you have individual lots, and for the most part of this property, and the town allowed the applicant and the builder to remove one lot. This was going to be five lots, we're building on it now. That doesn't require because the zoning regulations say it isn't required.

Craig Minor: Fundamentally I don't disagree with anything people are saying about requiring LID for a small subdivision, I can see that. I just want to point out that what the Commission did back in the day was to provide relief for homeowners, and that is the word that is in the regulations, provide relief to homeowners when they develop a piece of property, not developers who already have an engineer on staff designing their development. I just want to say that for background. If you still decide that you want to give a pass to small subdivisions, that's fine, but I just want to explain the background about giving relief to homeowners versus deep pocket developers.

Alan Bongiovanni: I just want to say, everything is passed through to the homeowner.

Commissioner Claffey: I have a couple of questions.

Chairman Pane: Can we stay on the LID first?

Commissioner Claffey: That was one of them. In regards to the LID, how does it play into the, any buffering zone, like I see on the Cross Street there are more trees and bushes than I see on some of the other lots, is that for the visual effect?

Alan Bongiovanni: Those are the trees that are already there. The only requirement of a subdivision in the Town of Newington is two trees per lot be planted. Because we have such a significant amount of existing trees we don't really have to do that.

Commissioner Claffey: I'm concerned on the Willard Avenue side, one house has a turnaround, the other house, I'm looking at sheet 3 of 7, I'm just concerned for someone backing out onto Willard because when I look at the Moreland Avenue houses, I see turnarounds and that street at that end has maybe five houses, so

Alan Bongiovanni: All four houses show turnarounds for the driveways.

Commissioner Claffey: I know, it says proposed.

Alan Bongiovanni: That is an existing driveway.

Commissioner Claffey: What I am saying is that you have one, a portion to be removed, and then one proposed. Is that a, oh, we might do it, we might not.

Chairman Pane: The one that is being removed is because it is over the property line.

Alan Bongiovanni: And doesn't have a turnaround, the new one does.

Chairman Pane: So your point is Commissioner, because it is Willard Avenue you would like to see the turn around there because it is safer to exit onto the street. Is that correct?

Commissioner Claffey: Yes, Is there a sidewalk, does it end at Wilson, or does it continue all the way down to Cross?

Alan Bongiovanni: It goes all the way down to Cross, and I believe it continues on the other side.

Commissioner Claffey: Are you showing a sidewalk here, or no?

Alan Bongiovanni: Yes, this concrete walk.

Chairman Pane: Let's see if we can get the feeling of the rest of the Commissioners on the turnaround because Willard Avenue is busy, does the applicant have a problem?

Alan Bongiovanni: No, that's the way that it should be. All four lots are shown that way.

Chairman Pane: Going back to the LID, just so that we can give directions to the applicant and to the Town Planner. Is everybody in agreement that the small lot subdivisions, one, two, three, four lots, if there is no major road and infrastructure that we can not apply the LID, whether it is a resident or a developer.

Commissioners: Yes.

Chairman Pane: Any other questions on any other part of this map? Town Planner, have anything else?

Craig Minor: No.

Alan Bongiovanni: As soon as we get the letter from the MDC we will provide a copy to the Town Planner before your next meeting and any comments will be taken care of.

Chairman Pane: Thank you very much.

X. OLD BUSINESS

None

XI. PETITION FOR PUBLIC HEARING SCHEDULING

Commissioner Claffey: I'm only bringing this up, Petition 41-19 is to remain open? Did they give us a date?

Craig Minor: They gave us an extension to your next meeting.

Commissioner Claffey: So we don't have to put that....

Craig Minor: It was never a public hearing anyway.

Commissioner Claffey: Oh okay, my bad, sorry.

XII. TOWN PLANNER REPORT

Craig Minor: One thing, a petitioner is looking to open up, actually it's a detailing shop and they don't need a dealer or repairer license but he told me that, if he is successful he might want to in the future, apply for a special permit to do auto related business, and the regulation says that an auto related business has to be a certain distance from a school, playground, and so forth, but he asked me, where do we measure the fifty feet from, is it from door to door, is it from driveway to driveway, is it from edge of property to edge of property which would be zero. I said, that's a good question. I know we talked about this, but I'm presenting this to the Commission as a gray area, and not asking for an answer tonight so we can think about it for the next time.

Chairman Pane: If it's that close, do we really want to have another automotive problem close to a residential zone. It can't be fifty, if he is going to convert a detailing shop to an automotive shop, now he has to comply with 100 feet.

Craig Minor: I'm sorry, but my point is, whether it is fifty feet or one hundred the question is, where do you measure the 100 feet from.

Commissioner Woods: How this Commission I believe has interpreted it, and again, I'm not agreeing with it, but nonetheless, I believe it is how we have been doing it for the last several years, was the closest point on the abutting property line to the point closest to the property.

Craig Minor: So if it's right next to a church, then it can't go, because there is zero distance between.

Commissioner Woods: Remember the marijuana use, and it had the extension coming out to Prospect Street, we used that. The building is actually about 400 feet off the road.

Craig Minor: Okay, property line to property line.

Commissioner Woods: Maybe we need to re-look at that.

Chairman Pane: We shouldn't change it because we already have.....

Commissioner Woods: Just re-look at it. If there is a better way.

Commissioner Claffey: In the past, I have brought up the question of a detail shop and car wash. A detail shop washes cars. So, it's one of these gray areas, vehicles go there, they stay there for the day, sometimes the detail shop does quick ones, and then we have a detail shop/car wash at a gas station and you will see them lined up on a good Saturday, this past Saturday, they were lined out almost to the Berlin Turnpike, waiting to get their car washed. A car detail business is a car wash. It's not the definition of a detail shop, but that is what a detail shop is. A place where you wash a car, even though it's not a tunnel wash, so, not for this business I'm not

Craig Minor: I would interpret the regulations that says you need a special permit for a car wash if the individual wants to do a tunnel style car wash as opposed to washing a car with a rag.

Commissioner Claffey: But if you are washing five cars a day, I'm using that existing structure now in the regulations as an example for this discussion.

Chairman Pane: I think if he is doing car detailing and he has a business that is close to a church, that's okay. But he couldn't expand it into something else.

Craig Minor: That's what he wanted to know.

XIII. COMMUNICATIONS

Craig Minor: I got two letters from citizens opposed to the traffic circle on Fenn Road.

XIV. PUBLIC PARTICIPATION (For items not listed on the agenda; speakers limited to two minutes.)

None

XV. REMARKS BY COMMISSIONERS

Commissioner Sobieski: We have to make an appointment to CRCOG.

Chairman Pane: The same appointment?

Commissioner Sobieski: Commissioner Woods and I are appointed now.

Chairman Pane: So we are going to re-appoint Stanley and Commissioner Woods as CRCOG representatives for a two year term.

Commissioner Claffey: The Fenn Road corridor, where are we at? Or where are they at with the old or the new truck company? Then I have seen them start work at the Axe throwing on the new parking lot.

Craig Minor: Let me answer the first one. As you know, the Commission approved the truck company site plan with the condition that they make the changes that were requested. BL companies is in the process of revising the plans as directed.

As far as the axe throwing, I don't remember that there were any outstanding issues with the axe throwing. I think their plans were signed by the Chairman so I think they are done as far as this Commission is concerned. There may be things that the ZEO needs to keep an eye on and I can ask him to do that. I know you are done with the axe throwing.

Commissioner Claffey: My only other concern is the amount of work Andrew is dealing with for just signs. It's getting out of control.

Craig Minor: It's part of zoning enforcement, and as the Commissioners who have been on the Commission for the past six months may recall, there was a situation, I can't name the street, but there was an existing industry right next to a homeowner, and they were parking their cars on a lot between. They are dragging their feet. Every time we give them a deadline they miss it, and I'm not getting any compliance with them, so I'm coming to you to ask you....

Commissioner Claffey: That's the one where we had a public hearing and a couple of people opposed it, and they had a bunch of pictures, near Stonehedge Drive. It was back in November or whatever.

Craig Minor: The original complain from the homeowner came a year ago December. As you may recall, they came before you with a request to amend the regs to allow in a residential zone in very confined circumstances, and as I recall the Commission, the concept you could live with, but the details, you wanted them to show you a much more detailed plan of how it would actually look. I remind them every couple of weeks that they need to bring in that plan and they haven't.

Commissioner Claffey: Do we have a time frame?

Craig Minor: It's a zoning violation, so technically there is a \$100.00 a day fine that is accruing theoretically.

Chairman Pane: What are they parking there?

Commissioner Claffey: It's their employees, it's overflow, so there was one zone, a block of Industrial Zone, then a residential lot between them and the residential house.

Craig Minor: I just wanted to bring it to the Commission's attention.

Chairman Pane: Are they using it or are they parking in the street?

Craig Minor: They shouldn't be now, because it is winter, and we thought they wouldn't allow it to drag on past the winter because their employees can't park in the street but they have

allowed it to drag on into the winter, so either their employees are back on the lawn, and they weren't at one point in the fall, but now they are back on the lawn....

Chairman Pane: Are the neighbors still complaining?

Craig Minor: I haven't gotten a complaint from the neighbor recently.

Chairman Pane: I'll sit down with the Planner and we will go over the details and maybe I can meet with the business owner and we can resolve that.

Commissioner Woods: The development that we were having the problem with, with the roads, is that all settled? Newington Ridge. Are we done?

Craig Minor: We're done. We gave them the money.

Commissioner Claffey: The last one, I swear, Andrew went out and I have seen it come up with storage containers in people's yards, and it was actually the house that was on the corner of Wells and Main and the guy cleaned it up, but I have driven around to some of these commercial properties and CVS, right here has a mobile mini, it's probably been there for ten years, and it's part of their storage, they store it outside, and now there is one by Bob's Discount Furniture, and four or five appear at Target. As the store gets bigger, they don't have room inside, so they start putting up these Mobile Mini's or Crates, and we don't enforce it I don't think, and one comes and then in six months another one comes and when Target was doing their renovations, you will see those things, but you are seeing more and more businesses with these storage units. We enforce it with a residential person, they can't have it in the driveway, but then the commercial guy can just keep adding.

Commissioner Woods: Just a solution to that problem, it happened to me. I used to keep a storage container on the golf course in Cromwell, for the year it was empty except for one month and the town decided that they were going to tax me on it, I got a tax bill for like \$500. for the structure and for what they assumed was inside. I removed it the next day.

Chairman Pane: We can certainly look at that when we have more time.

XVI. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pane: I just want to remind anyone who was not here. We have the old Plan of Development that I think everybody has, and then tonight on the desk is the brand new one that Glenn has come up with. We are going to be meeting on the 22nd, at our next meeting, but we are going to be meeting at 6:00 p.m. and Glenn will be here, so if you could familiarize yourself with both plans so that we can have some information for him when he comes, anything that we don't like, or anything we might want to add. We made some minor changes that we made tonight that we will pass onto Glenn. There is one section in there that talks about landscaping and planting and if Commissioner Woods could review that, and let us know if it is appropriate or not I would appreciate it.

Craig Minor: One thing, I have no more old POCD's I brought the last batch here, so if I brought one here tonight and you have one, could you give that back to me because someone else might need it in the future.

Commissioner Gill: What is the schedule on this?

Chairman Pane: A copy of that sheet, and by March 26th, we need to send a draft to the Town Council, and so after the 22nd, we can always schedule a meeting before the 12th when he does his second draft.

Commissioner Gill: If we have some personal concerns, do we bring it right to you and you address it? Say I'm not going to be at a meeting, is it against the rules to send you an e-mail saying, bullet point?

Craig Minor: Yes, if you are not going to be at a meeting and have something you want to give to your other Commissioners, that would be great.

Chairman Pane: Then the Planner would present it at the public hearing.

XVII. ADJOURN

Commissioner Fox moved to adjourn the meeting, seconded by Commissioner Sobieski. The meeting was adjourned at 8:05 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary.